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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,216	07/01/2003	David Fleishman	UMBP:110US	1215
24041	7590	06/14/2005	EXAMINER	
SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406			WUJCIAK, ALFRED J	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/604,216

Applicant(s)

FLEISHMAN, DAVID

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-20, 22 and 23 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This is the third Office Action for the serial number 10/604,216, PICTURE HANGING SYSTEM, filed on 7/1/03.

The examiner withdrew the allowability of claims 13-23 in view of new ground of rejection. Any inconvenience is regretted.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13, 19 and 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 6,119,999 to Fleishman.

Fleishman teaches an apparatus for displaying comprising at least two hook mounting means (col. 2, lines 52-53) operatively arranged to be fixedly secured to a wall structure, a rod (12) operatively arranged to be suspended within the at least two hook mounting means at a fixed distance away from the wall structure, at least two ring attachment means (16) operatively arranged to slidably and rotatably engage the rod, each of the at least two ring means operatively arranged to suspending a wire means therefrom, at least two wire means (22) comprising an upper loop (connected to element 18, having a loop configuration) and a lower loop (adjacent and connected to an eye loop of element 26, having a loop configuration), and at least one frame

(2). The at least one frame comprising at least two attachment means (24 and 26) being suspended by the lower loops. The apparatus comprises at least two frames (figure 7) and they are oriented horizontally adjacent with respect one another. The apparatus comprises at least three frames wherein two of the three frames are oriented in vertical relationship with respect to one another and two of the three frames are oriented in horizontal adjacent relationship with respect to one another (figure 7).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleishman in view of US Patent # 5,749,479 to Belokin et al.

Fleishman teaches the wire means but fails to teach the wire means comprise of monofilament wire. Belokin et al. teaches the wire means comprise of monofilament wire (col. 2, lines 26-27). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Fleishman's wire means with monofilament wire as taught by Belokin et al. to provide designer's choice for the kind of suspending line for supporting frame vertically.

Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleishman in view of US Patent # 5,423,142 to Douglas et al.

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Fleishman teaches the frame but fails to teach the frame comprises at least two translucent or transparent surfaces. Douglas et al. teaches the frame (3) comprises at least two translucent or transparent surfaces (col. 2, lines 61-68). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Fleishman's frame with at least two translucent or transparent surfaces as taught by Douglas to provide designer's choice for material of frame to allow the light to enter to view the picture.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleishman. Fleishman teaches wherein one of the at least two frames is suspended from the rod means via a first set of at least two wire means and a second frame is suspended from a second set of at least two wire means. Each wire means of the first set having a first length and defining a first distance therebetween. Each wire means of the second set having a second length and a second distance therebetween. The second length and the second distance are shorter than the first length and the first distance but fails to teach the second frame is suspended above the first frame. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have reduced the length of second length to have the second frame suspended above the first frame to provide an ornament appearance of apparatus.

***Allowable Subject Matter***

Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The prior art fails to teach wherein one of the at least two frame is suspended from the other.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

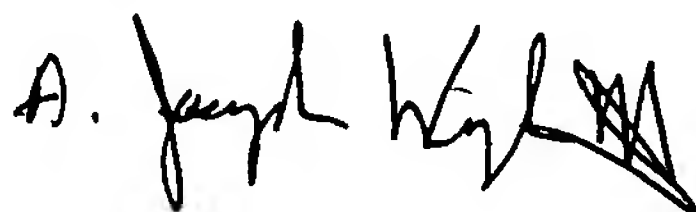
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Examiner

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A handwritten signature in black ink, appearing to read "A. Joseph Wujciak III", followed by a stylized flourish or set of initials.

6/10/05